

Community Governance Review Petition for the creation of Guiseley Town Council



Draft Terms of Reference

For Consideration by General Purposes Committee

Review of Parishes and Related Matters Local Government and Public Involvement in Health Act 2007

Introduction

Following the receipt of a petition, Leeds City Council (the Council) will undertake a Community Governance Review of Guiseley – polling districts GRA, GRB, GRC, GRD, GRI, GRJ and GRK.

The Petition for the Community Governance Review was submitted in accordance with the Local Government and Public Involvement in Health Act 2007 and proposes the establishment of “Guiseley” Town Council.

In undertaking the review, the Council will be guided by the relevant parts of the Local Government Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972 and Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Electoral Commission. These terms of reference will set out the matters on which the review is to focus.

Why is the Council Undertaking the Review?

The Review is to be undertaken due to the receipt of a valid petition from electors in the area subject to the review. The petition meets the following conditions of Section 80 of the Local Government and Public Involvement in Health Act 2007:

- (3) The petition must be signed as follows:
 - (a) If the petition area has fewer than 500 local government electors, the petition must be signed by at least 50% of the electors.
 - (b) If the petition area has between 500 and 2500 local government electors, the petition must be signed by at least 250 of the electors;
 - (c) If the petition area has more than 2500 local government electors, the petition must be signed by at least 10% of the electors.
- (4) The petition must:
 - (a) define the area to which the review is to relate (whether on a map or otherwise); and
 - (b) specify one or more recommendations which the petitioners wish a community governance review to consider making.
- (5) If the specified recommendations include the constitution of a new parish, the petition must define the area of the new parish (whether on a map or otherwise).
- (6) If the specified recommendations include the alteration of the area of an existing parish, the petition must define the area of the parish as it would be after alterations (whether on a map or otherwise).

The area subject to the review has 11,039 local government electors and as such would need to be signed by at least 1,104 of those electors. The petition has been signed by 1,179 local government electors within the petition area.

The petition defines on a map and in words the area to which the review is to relate. A map was submitted with the petition and the geographical area is defined as that currently known as Guiseley.

The recommendation within the petition is to create a new Town Council called Guiseley to serve the community. The petitioners put forward that the needs of the different communities would be best served by creating a separate Town Council for the area of Guiseley.

As the petition was found to be valid the Council will undertake a Review in accordance with the Local Government and Public Involvement in Health Act 2007.

A copy of the submissions put forward by local government electors are available for inspection at the address below and the map defining the area of the new parish is attached as an appendix to these terms of reference.

What will the Review consider?

The Review is to consider the creation of a new Town Council. The review will need to consider the name for the Town Council and the electoral arrangements including the number of Councillors to be elected and any warding arrangements.

The review must make recommendations as to what new Town Council (if any) should be constituted in the area under review.

In relation to the council's electoral arrangements, the review must consider whether to recommend that the Town Council should, or should not, be divided into wards for the purpose of electing councillors. For these purposes, the Council must consider whether the number, or distribution, of the local government electors for the Town Council would make a single election of councillors impracticable or inconvenient, and whether it is desirable that any area or areas of the Town Council should be separately represented on the council. In deciding to recommend that a Town Council should be divided into wards, the Council must have regard to certain factors when considering the size and boundaries of the wards, and the number of councillors to be elected for each ward. These factors are the number of local government electors for the Town Council, any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years from the start of the review, the desirability of fixing boundaries which are, and will remain, easily identifiable, and any local ties which will be broken by the fixing of any particular boundaries. In deciding to recommend that a Town Council should not be divided into wards, the Council must have regard to certain factors when considering the number of councillors to be elected for the Town Council. These factors are the number of local government electors for the parish, and any change in that number which is likely to occur in the period of five years from the start of the review.

In deciding what recommendations to make, the Council must take into account any other arrangements (apart from those relating to Town Councils) that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.

All local government electors for the area under review and any other person or body who appears to have an interest in the review will be consulted on the proposal and their representations will be taken into account as part of the review.

The Council must have regard to the need to secure that the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

Parish Governance within the District

The Council wants to ensure that there is clarity and transparency to the areas that Town Councils represent and that the electoral arrangements are appropriate, equitable and readily understood by the electorate.

In their White Paper, Strong and Prosperous Communities, the Government emphasised that “Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.”

Who undertakes the Review?

Community Governance Reviews are the responsibility of the Head of Licensing and Registration who will report representations received during the review period along with draft and final recommendations. The Council’s General Purposes Committee will determine the recommendations to be made to full Council in relation to the Review.

How the Council proposes to conduct consultations during the Review?

In arriving at its recommendations in a review, the Council will need to take account of the views of local people. The Local Government and Public Involvement in Health Act 2007 requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review (for instance the local Member of Parliament and ward councillors) and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council will consult in an appropriate manner within the review area ensuring that those affected are given the opportunity to respond. In accordance with the Local Government and Public Involvement in Health Act 2007, representations received in connection with the Review will be taken into account, and consultees will be informed of the outcome of the Review.

Any decisions made and the reasons for those decisions will be published following the review. The mechanism for this will be through the Council’s website, issuing press releases, personal communications where appropriate and through notices in libraries in the area affected by the review.

How to contact us or make a representation

Contact details at the Council for the duration of the review are as follows. Any representations should also be sent to this address. Representations should include the full name and contact details for the person or organisation making the representation: -

Susanna Benton
Electoral Services Manager
susanna.benton@leeds.gov.uk
0113 2476727

Electoral Services
Level 2, Town Hall
The Headrow
Leeds LS1 3AD

A timetable for the Review

Date	Task
29 August 2014	Request Received by Chief Executive
23 October 2014	Report to General Purposes Committee Terms of Reference and Timetable for Review to be approved
24 October 2014	Council to publish Terms of Reference
24 October 2014	Consultation begins with representations invited
28 November 2014	Closing date for representations (five week consultation period)
December 2014	Elections Working Group consider representations on proposals and recommend final proposals to General Purposes Committee
January 2015	General Purposes Committee consider recommendations from Elections Working Group and agree final recommendations for Full Council
February 2015	Full Council to approve final proposals and Reorganisation of Community Governance Order. Council publishes decision, reasons for decision, and informs persons interested.
February 2015	Additional parish councillors established if necessary and interim governance arrangements put in place
7 May 2015	Elections of new Parish councillors (to coincide with Parliamentary Election, Leeds City Council Elections and all-out Parish/Town Council elections)

Please note the timetable is subject to minor alteration although the Review must be completed within 12 months of the publication of the terms of reference

Electorate Forecasts

The latest Register of Electors published on 1 August 2014 shows the following numbers of electors within the area subject to the Review: 11,039

When the Council comes to consider the electoral arrangements of the parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.

Viability of any new Parish

The Council recognises that parishes should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner. The Council is committed to ensuring that the Review leads to parishes that are based on areas which reflect community identity and interest and which are viable as an administrative unit.

Names and styles of any new parishes

The Council will endeavour to reflect existing local or historic place-names, and will give a strong presumption in favour of names proposed in the petition and by local interested parties

Electoral arrangements

An important part of our Review will comprise giving consideration to 'Electoral Arrangements'. The term covers the way in which a council is constituted for the parish. It covers:

- The ordinary year in which elections are held
- The number of councillors to be elected to the council;
- The division (or not) of the parish into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;
- The number of councillors to be elected for any such ward; and
- The name of any such ward.

The Local Government Act 1972 states that ordinary election of parish councillors shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2015, 2019, 2023 etc) However, the government has indicated that it would want the parish electoral cycle to coincide with the cycle for the district council, so that the costs of elections can be shared. If the Review finds that it will be appropriate to hold an election for parish councillors, for a newly formed parish, at an earlier date than the next scheduled ordinary elections, the terms of office of any newly elected parish councillors will be so reduced as to enable the electoral cycle to revert to the normal cycle in the district at the next ordinary elections.

The Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number and there are no rules relating to the allocation of councillors.

Government guidance is that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.

The Council must have regard to the following factors when considering the number of councillors to be elected for a parish:

- The number of local government electors for the parish;
- Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

The Council wishes to ensure that the allocation of councillors to parishes is broadly equitable across the District, while acknowledging that local circumstances may occasionally merit variation.

The Council appreciates that there are different demands and consequently different levels of representation between the urban and rural parishes in the district.

Reorganisation of community governance orders and commencement

When the Review has been completed the Council may make a Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the decisions that the Council has taken will be deposited at the Council's offices, on the website and in local libraries within the area affected by this review.

Consequential Matters

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate proportion.

Furthermore, the Council notes the Regulations regarding the establishment of a precept for a new parish and their requirements. Parish Councils have the power to raise revenue to help meet their spending requirements by issuing a 'Precept'. This is the total amount to be raised through the Council Tax from all the dwellings within the defined Parish area.

Each Parish Council set their own level of precept and let the principal council know each year. Typically this is to cover costs associated with the running and administration of the parish, such as the Clerks wages etc, as well as any local projects.

Date of publication of terms of reference (Subject to agreement by General Purposes Committee)

John Mulcahy
Deputy Electoral Registration Officer
24 October 2014